



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

SMC

Docket No: 08058-99

1 June 2000

MR [REDACTED]  
[REDACTED]  
[REDACTED]

De [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You request that your case be reviewed "for a felony." You assert you were charged with mail fraud because the spelling of your name was questioned, and that you were never arrested or charged with a crime.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 8 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They noted your record reflects you received nonjudicial punishment, not a criminal conviction. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure

3058-49



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000**

5420  
PERS-832C  
8 Mar 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION  
OF NAVAL RECORDS (BCNR)

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: EX- [REDACTED] USN, [REDACTED]

Encl: (1) BCNR File 08058-99  
(2) Petitioner's Microfiche Record

1. The petition and naval records of subject petitioner have been reviewed relative to his request for removal of derogatory material.

2. The review reveals that the petitioner was found guilty of violation UCMJ Articles 107 (false official statement) and 121 (larceny) at Commanding Officer's NJP dated 7 Nov 95. Documentation supporting that significant event should remain in the record. The maintenance of this document is essential to depict the petitioner's character and background, and in conjunction with any other unsatisfactory conduct, to serve as a possible consideration for future administrative action. A presumption of regularity attaches to official records, and the burden of proof is on the petitioner to show documentary evidence that an error has occurred or an injustice suffered. The petitioner provides no such proof. Therefore, favorable action on this petition is not recommended.

[REDACTED]  
[REDACTED]  
[REDACTED]  
Technical Advisor to the  
Head, Enlisted Performance  
Branch (PERS-832)

(3) AD